Miniſterial Prejudice

In favour of the

CONVENTION,

EXAMIN'D and ANSWER'D.

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Examin'd and Answer'd.

THERE are few Periods of the *Engliſh* Hiſtory more intereſting to every Man who wiſhes well to his Country, than the preſent. It is therefore of the greateſt Conſequence to the Publick to judge coolly and impartially of the Meaſures purſued by the Adminiſtration; to regard *Things*, not *Perſons*; and to be as little prepoſſeſſed in favour of the *Oppoſition* as of the *Miniſtry*. In this Paper, therefore, I ſhall endeavour candidly to examine whether the almoſt univerſal Oppoſition to our late pacifick Meaſures is owing to popular Prejudices, or is the Reſult of that Enquiry founded on Reaſon, which a free People has a Right to make into thoſe Meaſures that immediately concern their *Property*, and may in the End affect their *Liberties*.

Prejudice, when it is uſed to expreſs an *Affection* of the Mind, ſignifies a Man's being determined for, or againſt one Side of a Queſtion, without giving an impartial Hearing to what can be urged on the other; and is more properly defined to be an Error of the *Will* than of the *Judgment*. Therefore, popular Prejudices againſt Meaſures purſued by a Government

proceed from an Unwillingneſs in a whole People to believe that it is poſſible for their Governors to act right; a Caſe that very ſeldom happens, the Prejudice being commonly very ſtrong in favour of the Government, except when they find by Experience that their Governors in all former Inſtances have acted egregiouſly wrong. However, as it is poſſible for a Government by one ſubſequent Meaſure to remove the Effects of many preceeding Blunders, it is reaſonable the People ſhould give a fair Hearing to both Sides of the Queſtion. I am far from making any Application of what I have ſaid before, and am far from thinking the People of *England* to be prejudiced againſt their Governors, becauſe I hope they never gave them Reaſon. But as a ſtrong Oppoſition has been made by the whole Body of the *Engliſh* Nation to the late Convention, I ſhall take the Freedom to examine into the Motives of this Oppoſition, and, at the ſame time, take a View of the Arguments urged to prove it the Effect of popular Prejudices, in ſome late miniſterial Pamphlets, particularly one, intitled, *Popular Prejudices againſt the late Convention with Spain, examin'd and anſwer'd.*

The *Britiſh* Nation, after ſuffering a Series of Inſults and Injuries, applies to the Court of *Spain*, through the Mediation of a powerful Fleet, for paſt, and Security againſt future Interruptions of her Trade. The Miniſters who have the Charge of this Negotiation are authorized by the moſt ample Inſtructions from his Majeſty; they are ſupported by the warmeſt Reſolutions of Parliament, and encouraged by the general Voice of the People, who call aloud for an immediate War or a ſafe Peace. No Concurrence of Circumſtances could have been more favourable to the Miniſtry, either for healing up the paſt Wounds

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of the Nation, for retrieving any inconſiderable Steps they themſelves might have taken, or for reconciling the Meaſures of his Majeſty's Government to the Affections of his People. The Nation, with unprecedented Patience, have repreſſed the Impetuoſity that is ſo natural in a ſuffering People, implicitly relied on the Adminiſtration, chearfully applauded its Meaſures, and for eight Months, without almoſt a Murmur, waited the Event. What is the Event? The Court of *Spain* tells us, We are willing to conſider your Complaints, and accordingly we ſhall appoint two Miniſters, who ſhall meet with two more appointed by your Court; and thoſe four ſhall lay their Heads together, in order to find out, if the Meaning of the Treaties betwixt us and you is according to the expreſs Words of theſe Treaties: As if the *French*, the *Latin*, the *Spaniſh* and *Engliſh* Languages, had, within theſe threeſcore Years, grown ſo obſolete, that different Ideas were now affixed to the ſame Words.

The ſame Court tells us, Your Parliament has indeed found a Senſe belonging to the Words of theſe Treaties; but we are far from being of their Opinion: However, that likewiſe ſhall be referred to the *Gentlemen* the Plenipotentiaries, who ſhall decide whether your Parliament is in the right or not; as for your Claim, we ſhall conſider of that likewiſe. In the mean time, to ſtop the Clamour of your Merchants, we have already balanced Accounts, and we find, that, after Deduction of our Claim, we have plunder'd you of about Ninety five thouſand Pounds, which we are willing to pay you in full of all Demands, *viz.* for the Inſults offered to your Crown, the Indignities done to your Flag, the Interruptions of your Trade, the Impriſonment of above five hundred of your Subjects on unjuſtifiable Pretences, and

mangling their Perſons: But at the ſame time you are to remember, that we come into theſe Terms, only on Condition that your South-Sea Company pay us Sixty eight thouſand Pounds due to our Crown.

This would look like a Burleſque of a Negotiation, were not the Authority for viewing every Step of it in this Light too great to be queſtioned; but every Man of common Senſe may be appealed to, if this is not plainly the Language that has been ſpoken on the part of *Spain*, during the Courſe of this Negotiation, clogged with this Proteſt. Any Man of the moſt refined Senſe may be challenged to find out another Meaning in the moſt favourable Conceſſions ſhe has made to *Britain*.

To ſhew how unreaſonable as well as ridiculous this Claim of the King of *Spain* is, we ſhall take a very ſhort View of the State of Accounts betwixt him and the South-Sea Company. At the ſame time, I own my ſelf obliged for this State to a more able and judicious Hand, who has publiſhed ſome Obſervations wherein that Affair is more largely treated.

In the Year 1718, we find the Damages done to the Company by the King of *Spain*'s ſeizing their Effects amounted, by their own verified and atteſted Accounts, to about *L.* 225,000 Sterling. And this too, after all the Deductions their Officers made.

In the Year 1727, the Seizure of the Company's Effects made by the *Spaniards* amounted to *L.* 112,000, and both this Seizure and the laſt mentioned were to be reſtored to the Company by a Treaty made in the ſame Year, but never performed; ſo that the Company has a clear and indiſputable Claim upon his Catholick Majeſty of at leaſt *L.* 337,000 Sterling.

From what has been ſaid, I believe, it will be hard

hard to find in all Hiſtory a Piece of Inſolence parallel to this, impoſed by the moſt haughty Conqueror, upon a ridiculed, abject, diſpirited People; nay, tho' that had been our Caſe, a generous Conqueror would not have impoſed ſuch Terms, as from the Beginning to the End of this Negotiation, the *Spaniſh* Court has impoſed upon the *Britiſh* Nation. That Prince has in Effect cleared his Debts by a Statute of Bankruptcy, for near *L.* 400,000, and at the ſame Time he pretends to ſue his Creditors for little more than the eighth Part of that Sum. This is again ſo ridiculous, that one could not tell it as a common Story happening betwixt Man and Man with a grave Face; yet this very Scene has been acted by the Miniſters of two contrary Powers treating on an equal footing, and the Miniſter of the injured People backed by a formidable Fleet, who had nothing to fear, but from the weak Conceſſions of their own Court; and every Thing to hope, to which a juſt Cauſe, an undaunted Courage, a generous Alacrity, together with an unparallell'd Patience under Provocations, can be entitled.

Let us now take a View of the Manner in which the *Britiſh* Nation had a Right to expect this Negotiation ſhould have been conducted.

If we are to form a Judgment of this from the Maxims of common Equity, we ſhall find that even an abſolute Conceſſion of our Right, to navigate from one part of his Majeſty's Dominions to another; we ſhall find that even an abſolute Conceſſion of an Exemption from all Search; we ſhall find that even an adequate Compenſation for all our Loſſes, is not ſufficient to ſatisfy that common Juſtice which forms the Baſis of pubick Faith,

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as well as of private Virtue. If a Man ſhould attack his Neighbour's Houſe, rifle it, cut and mangle both the Maſter and his Servants, and without the leaſt Colour of Juſtice drag him to a loathſome Confinement, where he muſt live as the Diſcretion of his mercileſs Oppreſſor ſhall permit him; if afterwards the aggrieved Party ſhall recover his Liberty, and ſhall be in a Condition to bring his Oppreſſor to Juſtice, I fancy even a *Special* Jury would find more Damages for the Plaintiff than a bare Reſtitution of what had been taken from him, and the Defendant's being bound over to his future good Behaviour, amounts to. They would conſider the Outrages done to the Laws of Society, the Loſs not only of his Limbs, but likewiſe the Interruption of the Plaintiff's Trade, his Loſs of Time, and other perſonal Injuries done him, and find their Verdict accordingly.

Such are the Conſiderations that enter into the Caſe of a Treſpaſs or a Riot in common Life; they hold equally good in Caſes of a more national Concern; only the latter is attended with one aggravating Circumſtance, which can have no Place in private Affairs; and that is, the Inſult done to the Dignity of that Crown to which the injured Party is the natural Subject. This Inſult is the greater if repeated, if after the Motives, upon which the Injury is grounded, are diſowned by the Sovereign of the offending Party, the Offender not only enjoys the Protection, but the Encouragement of his Sovereign. The Retroſpect that ariſes from theſe Conſiderations is too affecting for any Man, who reflects on the Figure this Nation formerly made in *Europe*, to indulge it. But as one Idea of Indignation awakens another, I cannot help cloſing this Paragraph with this

this Reflection; that, ſo far as appears to the World from the Acts of the Miniſtry, not one of theſe Villains have been yet required to be delivered up to Juſtice: Inſtead of appearing conſcious of their Guilt, they triumph in their Succeſs; and inſtead of being hanged up as Monuments of *Britiſh* Reſentment, they appear protected, commiſſioned and advanced as Monuments of *Spaniſh* Inſolence, and miniſterial Forbearance.

But as I am unwilling to conceal the leaſt Argument that can ſerve to juſtify the Conduct of the Adminiſtration during our long Courſe of Negotiations with *Spain*, I ſhall here take Notice of one or two Arguments more which I have met with, either in Converſation, or miniſterial Pamphlets and Papers, in Juſtification of our late Meaſures.

It is ſaid, that we are not the only People in *Europe* who have Reaſon to complain of the *Spaniſh* Inſolence and Injuſtice; that the *French*, powerful as they are, have ſuffered in their Turn, and that the *Dutch* have greater Reaſon to complain than ourſelves.

That *French* Ships have been ſeized by the *Spaniards* I make not the leaſt queſtion; Nay, I do not doubt but that the *French* Miniſtry have even refuſed to reclaim them. But then we ſhall find that theſe Seizures were all *lawful*, and none of them made on the open Seas, far leſs in ſailing from one part of the *French* Dominions to another. In ſuch Circumſtances no wiſe Government will intereſt herſelf in reclaiming a Capture; for, as I hinted before, no Government will be ſo impolitick as to cut out to her Subjects any new Canals of Trade that are inconſiſtent with the Senſe of Treaties, or the Law of Nations. This, were there no other, is a ſufficient

Proof,

Proof, that *Spain*, while ſhe confines her Conduct within theſe Bounds, is always ſafe in the Poſſeſſion of her *American* Acquiſitions.

As to the *Dutch*, there is no doubt but that *Spain* has been guilty of very groſs Violations of her Treaties with the States General. But to what is that owing? It is owing to the too well grounded Opinion they have of the Diviſions that ſubſiſt in that State, and of the preſent ill Condition of their Revenues and Navy. But this is not the Caſe with regard to *Great Britain*. However low her Trade, and however high Parties run amongſt us, we ſtill have a Navy as formidable as ever; there ſtill ſubſiſts in the Nation a Spirit that breathes a juſt Revenge, and in this we are unanimous, however as to other Points we may be divided. Were this the Caſe with our Neighbours the *Dutch*, did their Government burthen its Subjects, with Taxes too heavy for their low Circumſtances, in order to enable them to exert themſelves with becoming Reſolution, I am perſuaded they would at leaſt have ſtruck one Blow, and made one Struggle before they had departed from thoſe Rights that once made them *great*, and ſtill preſerves them *independent*. If the People of *Britain* are poor and declining, if her Debts are high, and her Taxes heavy, theſe are Inconveniences to the Subject, but none to their Government; our Miniſters have as large Penſions, our Navy is as well paid, our Troops as well clothed, and our Officers as well powder'd as ever. But if the *Dutch* have put up with any Injuries, they have not the additional Hardſhips of ſuffering almoſt as much by expenſive and ineffectual Methods of ſeeking Redreſs, as from the Injuries complained of. Nor indeed would it have been very adviſeable for them at this

this Juncture to have overſtretched their publick Credit to obtain Satisfaction; they acted much more wiſely in looking on and waiting the Event of our Armaments and Negotiations; for they were ſure to reap the Fruit, and to ſhare in all the Advantages we obtained by either. Beſides, if the Accounts we have for ſome Time paſt received of their Conduct are true, they have not ſo tamely ſubmitted to the *Spaniſh* Inſolence, but have taught them what it is to ſuffer as well as to injure.

But of all the Advocates for the *Spaniſh* Meaſures in her moſt extravagant Claims and Practices, none has yet equalled the Author of a Pamphlet publiſhed a Day or two ago, intitled, *Popular Prejudices againſt the Convention and Treaty with* Spain, *examin'd and anſwer'd.* This Author would impoſe not only on the Senſe of the Nation, but on the Senſe of all Mankind. He takes great Pains to convince us that we have been as much in the wrong to *Spain* as ſhe has been to us, tho' he does not bring one Proof to ſupport his Aſſertion. But admitting all he ſays to be fact with regard to Cruelties and Robberies committed by the *Engliſh* on the *Spaniſh* Subjects, it can have no Place in the preſent Queſtion. They, who were guilty of theſe Exceſſes upon the *Spaniards*, were, by his own Account, deprived of the Protection of our Crown, and caſt out from the Rights of *Britiſh* Subjects. Therefore there can be no Parallel drawn betwixt that, and a Caſe wherein the Crown of *Spain* avows, aids, and abetts her Pirates, promotes them, and imputes the moſt cruel Exceſſes they can be guilty of towards the *Britiſh* Subjects to them as a Merit. If I were, like this Author, to advance Facts upon Hear-ſay, I could tell him, that the very Man who cut off Capt. *Jenkines*'s Ear was

afterwards promoted from being a ſimple Boatſwain to the Command of a conſiderable Ship belonging to the Government of *Spain*, without any other Merit to recommend him, except his being the Author of that inhumane Cruelty.

As to the Account of Commodore *Jennings* and his Crew, as this Author repreſents the Matter, it is no more to the preſent Purpoſe than if he had given us an Hiſtory of Mr. *Turpin* and his Tribe. The Crown of *England* was no ſooner informed of his Practices than it immediately iſſued out a Proclamation, proclaiming him and his Aſſociates Traitors. Has the Crown of *Spain* ſerved any of its Pirates ſo? Has ſhe thrown them out of her Protection, or even diſowned the Principles that induced them to commit ſuch Barbarities?

The next Inſtance this miniſterial Writer produces is altogether foreign to the Purpoſe, and carries with it every Mark of Forgery; no Time, no Place, no Name is mentioned, tho' the Improbability that attends this Story required that it ſhould be atteſted by the moſt minute Circumſtances. As it is, it can only deceive the Simple, and will make a moſt excellent Story for a *Spaniſh* Martyrology; and the Author may ſtand as fair a Chance for the Veneration of their Clergy, as his Patrons ſtand for the Contempt of their Court.

I ſhall not trouble the Reader with a Repetition of the ſame Thing over and over again, but only once for all obſerve, that in writing or ſpeaking upon political Subjects, the unjuſtifiable Conduct of particular Perſons ought entirely to be thrown out of the Queſtion; but when that Conduct is authorized by a Prince, we are no longer to conſider it as of a private Nature, we are to view it as the publick

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Act of the Crown who authorizes it, and it becomes the proper Object of political Inquiry and national Reſentment. No Inſtance can be given of our ſupporting any of our Subjects in their Depredations or Cruelties upon *Spain*, no Inſtance can be given of *Spain*'s diſcountenancing one of her Subjects in their Depredations or Cruelty upon us. Therefore this Author impoſes upon the common Senſe of Mankind, by bringing theſe doubtful Inſtances of *Britiſh*, to counterbalance the many certain Inſtances of *Spaniſh* Violence, unleſs he could make the Conduct of the two Nations in every other reſpect parallel.

The ſame Author has attempted to prove a Point hitherto untouched by any of the Writers on the Side of the Queſtion he defends; and has gone ſo far, as abſolutely to contradict the poſitive Reſolutions which both Houſes of Parliament came to laſt Seſſion, by his endeavouring to prove, that a *Britiſh* Veſſel is ſubject to a Search on the open Seas. This perhaps is one of the ſtrongeſt Inſtances of the Licentiouſneſs of the Preſs that this Reign has produced. We here ſee an Author attack the Rights of a free-born People. We ſee him oppoſe the Senſe of a Legiſlature zealous for theſe Rights, and endeavouring to ſeduce the People to give them up. If abuſing a Court or a Miniſtry has drawn upon a Writer the Penalties of the Law, and if theſe Penalties have been inflicted with unrelenting Severity; what Penalties and what Indignation are not due to a Writer, who libels the whole Body of the Legiſlature, and would pervert the common Senſe of the People?

Nor is the Doctrine he has advanced more preſumptuous, than the Arguments he has adduced are ill grounded. He goes *their* common way to work,

and runs the Parallel between Facts where Circumſtances are entirely different, and forms Concluſions that are falſe, even tho' Circumſtances were the ſame. He appeals to the manner in which Navigation is carried on in the *European* Seas, to juſtify the *Spaniſh* Pretences to their ſearching our Ships on the *American*. Very ſyllogiſtical truly! We have a Right to ſearch the *Spaniſh* Ships on our Coaſts in *Europe*, to which a general Trade with the *Spaniards* is allowed, with a Prohibition of particular Kinds of Commodities; therefore, the *Spaniards* may ſearch in the ſame manner on the *American* Seas, where all Trade betwixt the two Nations is illicit, and all Commodities equally prohibited.

I ſhould be glad to know what the Object of the *Spaniſh* Search is. Is it for *Spaniſh* Specie, or for Commodities the Product of their Plantations? It is notorious that if our having on Board theſe is a juſt Reaſon for their Confiſcation, not one Ship of fifty of ours can eſcape it; and the Reaſon of this is plain, not only our own *Aſſiento* Trade, but the unavoidable Intercourſe by Land, betwixt the Subjects of *Britain* and *Spain* (which by the by is allowed by Treaty) occaſions a very great Affluence both of *Spaniſh* Commodities and Specie in the *Britiſh* Plantations, and our Merchants muſt take them from the Planters in Exchange of their Commodities, or give up all Trade with our own Plantations.

I come now to conſider two very extraordinary Arguments made uſe of by this Author in favour of the late Convention. Having taken a general View of the Conduct of *Cromwell* and Queen *Elizabeth* with Regard to *Spain*, he makes this Inference:

It is far otherwiſe now; Spain *has no ſuch Fleets to be attacked, when ſhe herſelf is attacked, and no longer*

longer terrifies England *with her Armadas and Invaſions; ſhe can no more face or hurt us at Sea, than we can force her in her Ports and Garriſons at Land.*

If after Ages were to form a Judgment of the *Princeſs* and of the *Uſurper*, from their Characters as drawn by this Author, they could not miſs to pronounce the former to be a *lucky Woman*, and the latter a *fortunate Madman*. There is indeed no Queſtion but Fortune has a very great Share both in the Diſappointment and Succeſs of the beſt conducted Courage that ever was exerted, and the beſt formed Deſigns that ever were laid. But it is as undeniable, that the braveſt Man, and the wiſeſt Head has the beſt Chance of ſucceeding; and if we are to form a Judgment of the firſt Characters in Hiſtory, of *Cæſar* for Inſtance, we ſhall find, that, take them in Pieces in the ſame manner this Author has done theſe two Characters, they will make but a very indifferent Figure. *Cæſar* was *fortunate* in having to do with the *Gauls*, a rude and diſorderly Multitude; he was *fortunate* in having an Army of *Veterans* hardened in the Field, and devoted to himſelf; he was *fortunate* in being driven to Deſpair by the Ambition of a powerful Rival; he was *fortunate* in forcing *Pompey* to leave *Rome*; in winning the Battle of *Pharſalia*; in ſubduing *Egypt*; and he was *fortunate* in his Death. But to what was all this Fortune owing? Was it not owing to his deſerving it? Was it not owing to a cool Head that projected, and a reſolute Courage that eſtabliſhed his Greatneſs? Was not the Fortune of *Cromwell* owing to the ſame Cauſes? And were not the Merits of Queen *Elizabeth* ſtill greater than her Fortune? Had ſhe fitted out Fleets for *Show*, and maintained Armies merely for a *Parade*, we cannot imagine that Providence would

would have interpoſed ſo ſignally in her Favour, nor that the repeated Invaſions of the Nation from Abroad, and the many Attempts of the Friends of a diſputed Title at Home, would have been always unſucceſsful. If *Cromwell* was in a Condition to give Laws to the reſt of *Europe*; if, as this Author ſays, he was ſupported by the *Engliſh* Power, the Reaſon was, becauſe he acted with an *Engliſh* Spirit. He was under as many, nay, more Difficulties, both from the Temper of the Nation, and the Situation of Foreign Affairs, as any Prince that has yet ſucceeded, or any Prince that ever ſhall ſucceed him, can have. And there is no Prince who acts with equal Reſolution, but may have it in his Power to raiſe the Reputation of *England* to an equal Degree of Greatneſs. The Fleet he employed was far inferior to what *England* now pays; and the Land Forces he ſent Abroad, much fewer in Number than we could even in this Time of Peace conveniently ſpare. As to Queen *Elizabeth*, the great Maxim of her Reign was, That ſhe ruled by no Party; therefore ſhe had no Occaſion to employ the Arts of Corruption to attach her Subjects to her Service; a Maxim little known and ſeldom practiſed by her Succeſſors. Thus the general Senſe of the Nation was always the ſame with that of the Government, and the Oppoſition to her Meaſures proceeded not from *Diſſatisfaction*, but from *Diſaffection*. The Crown of *Spain*, when ſhe came to the Throne, was aiming at no leſs than an univerſal Monarchy, and its Power vaſtly ſuperior to what it has been ſince that Period. Therefore it was no wonder, if, according to this Author, the Friendſhip of *Spain* was zealouſly ſought by that celebrated Princeſs, and contemptuouſly denied her. Nor is there the leaſt Reaſon for in-

inſinuating that ſhe derived any Advantages from her Situation, that may not be acquired by any Prince who ſits on the *Engliſh* Throne, and ſhall act upon the ſame ſolitary Principles.

I cannot leave this Head without taking Notice of one very odd Obſervation of our Author: He ſays, that Queen *Elizabeth did but chiefly guard her Coaſts and Kingdom againſt the invading Fleets of* Spain. If he had been as well acquainted with the Hiſtory of Queen *Elizabeth*, as one who undertakes to give the World the Character of her Reign ought to be, he would have found that ſhe ſometimes acted upon the offenſive as well as upon the defenſive, and that too without burthening her People with Taxes. For a Set of private Men acting by her Commiſſion, put about 14,000 Land Forces on board a Fleet of upwards of 100 Sail, and made a Deſcent upon the Coaſts of *Spain* itſelf, where they indemnified themſelves very richly for the Expences they had been at, by taking and plundering ſeveral of their Towns; and *Lisbon* itſelf, which then belonged to the Crown of *Spain*, very narrowly eſcaped falling into their Hands.

I ſhould not have dwelt ſo long on theſe two Subjects, had not our Author induſtriouſly enlarged upon them, and endeavoured to defend the Conduct of his own Patrons by detracting from their Merit.

I ſhall now conſider two very extraordinary Arguments advanced by this Author in Defence of our pacifick Meaſures with *Spain*. The firſt is the preſent Weakneſs of that Monarchy, which, according to him, is a good Reaſon why we ſhould not fall out with her.

I have many Times heard, that the Strength of

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an Enemy was a good Reaſon for not *provoking* his *Power*; but it is wholly new, that the Weakneſs of an Enemy ſhould be a good Reaſon for not *chaſtiſing* his Inſolence. *Spain*, ſays he, no longer terrifies us with her Armadas and Invaſions. No; but ſhe beggars us with her *Guarda Coſtas*, ſhe bullies us with her Miniſters, and by theſe Means ſhe hurts our Trade, and wounds our Honour more than it could be in her Power to do in a Time of declared War. *Spain*, continues he, *has no longer ſuch Fleets to be attacked as in the Days of* Elizabeth. No; but ſhe has more formidable Armadas of Pirates and Robbers; ſhe has Settlements abroad which we can ſeize; ſhe has Towns at home which we can ruin; ſhe has Returns of Treaſure, which if we intercept in all Events and at all Hazards, we deprive her of all the Means of hurting us, and ſecure to our ſelves the beſt Pledge for the Fidelity and Friendſhip of our common Allies. *But her mighty and formidable Armadas*, according to our Author, *are now ſunk into a few* Guarda Coſtas, *miſchievous indeed to a few unarmed trading Ships, but ſhrinking and hiding themſelves at the Sight of our Ships of War.* I ſhould be glad to know of this Author, by whoſe Fault it is that our trading Ships are unarm'd? I ſhould be glad to know of him, if, upon the Footing we have for theſe twenty Years been on with *Spain*, the Maſter of a *Britiſh* Veſſel, were ſhe never ſo well armed, and ſuperior in Force to the *Guarda Coſta*, would have thought it adviſeable to have acted any otherwiſe than upon the defenſive, while the *Guarda Coſta* was at full Liberty to exerciſe the moſt inveterate Cruelty upon him? or can this Author or his Patrons give any Inſtance of one of our Ships of War who was impowered to attack theſe Pirates,

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or who durſt have ſeized them had they come in her Way?

But the moſt extraordinary Argument he has yet advanc'd on this Head is, when he came to conſider the other Methods by which we can annoy *Spain*. *It is generally well underſtood*, ſays he, *by all but the Mob, that in ſeizing the* Spaniſh *Plate Fleet, we ſhould ſeize more of the Property of other Nations than that of* Spain, *and perhaps hurt ourſelves very ſenſibly*. I ſuppoſe the Word *Mob* here is a ſynonymous Term for *ſturdy Beggars*; but I cannot underſtand how this Author or his Patrons ſhould underſtand this Affair better than they do; let us however take a View of the Conſequences of this Doctrine. *Spain* has inſulted, plundered, and mangled us for about theſe twenty Years, and we are to have no Reparation, becauſe, if we ſhall ſeize their Treaſures, we may ſeize the Effects of ſome of our Neighbours along with them. An Author, who reaſons in this Manner, muſt entertain very odd Notions with regard to the Intelligence of our Neighbours. Does he imagine that they are ignorant of the Behaviour of *Spain* towards *Britain?* And if they are not, can he imagine that they ſuppoſe us to be ſo contemptibly weak and cowardly as never to call *Spain* to an Account for her Inſults? I ſhould be very ſorry, if, from an Obſervation of our paſt Behaviour they entertained any ſuch Notion, and ſtill more ſorry if it were well grounded. But this Argument, if good for any Thing, proves that there never can be a Time proper for *Britain* to break with *Spain*, be her Provocation ever ſo great; becauſe there never can be a Time when other Nations have not a large Property in theſe Ships. But then we are to conſider that this Trade

betwixt the *Spaniſh Weſt-Indies* and the Powers o *Europe* is abſolutely prohibited by Treaty, ſo that if we were to ſeize the Plate Fleet, we ſeize nothing but what either belongs to *Spain*, or is conſigned to *Spaniſh* Factors. Therefore no Power in *Europe* could reclaim one Shilling's Worth of theſe Effects out of our Hands, becauſe that Power's very reclaiming them is an Acknowledgment of its being concerned in an illicit Trade. For this Reaſon, the ſeizing her Plate Fleet has always been looked upon as the moſt proper Way to bring *Spain* to Reaſon,upon a double Account: Firſt, as by ſeizing her Treaſures we thereby deprive her of the Means of carrying on a War againſt us; and in the next Place, as we are Maſters at Sea we intereſt the other Powers of *Europe*, who will do all they can to procure us Satisfaction, rather than hazard their Properties on Board that Fleet falling into our Hands. As to our hurting ourſelves by ſuch a Meaſure, I believe the Merchants of *England* know their own Intereſts much better than to promote any Meaſures that can be detrimental to themſelves, and I dare ſay there could not be found five Merchants of any Character in *England* trading that Way, who, if they had a Voice in the Affair, would not willingly come into the Reſolution of our attacking the *Spaniſh* Plate Fleet at this Juncture.

This Writer next falls foul of the Author of *Conſiderations*, who ſays, That *the Trade to our own Plantations is ingroſſed by ourſelves; and other Nations are excluded.* —— *And we carry it on under ſuch Regulations as are moſt for our own Advantage.* Our Author here obſerves, " That he has not con-
" vinced us, why the *Spaniards* ſhould not engroſs
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" to themſelves the Trade of their own Colonies, " why they ſhould not regulate their own Trade " and Navigation to their own beſt Advantage. " Who hinders them to take all the Precautions poſſible for making the moſt they can of their *American* Settlements, provided they keep within the Bounds preſcribed by Treaties, and the Law of Nations? But while they do that, there is no Reaſon why they ſhould pretend to regulate the Trade of their Neighbours likewiſe. They are not to make their *Guarda Coſtas* Judges of the Courſe a *Britiſh* Veſſel ought to hold, and arbitrarily ſeize and confiſcate them if ſhe ſhall depart from the Courſe they ſhall preſcribe. But it is an odd Obſervation of the Author's, That the *Conſiderations* have not convinced us why the *Spaniards* ſhould not engroſs to themſelves the Trade of their own Colonies. This they can never do as long as the *Aſſiento* Contract ſubſiſts, tho' they take all the Meaſures poſſible for rendering it not only ineffectual but prejudicial to the Nation. As to his Quibble upon engroſſing the Trade to our own Colonies, it is not worth while to take Notice of it, any farther than by obſerving, that the Miſdemeanors of private Perſons has nothing to do with the Intention of a whole People. It certainly was the Intention of our Laws that we ſhould engroſs all the Trade of our *American* Settlements to ourſelves, and if this Intention is fruſtrated by the illicit Practices of private Perſons, it ſays no more in the preſent Caſe than if one ſhould maintain, that becauſe there is a great deal of Brandy and Tea ſmuggled upon the Coaſt of *England*, therefore the Government does not engroſs all the Exciſe upon theſe two Commodities to itſelf. But this Author ought to know, that there is a great

Difference betwixt trading and ſmuggling; and when we ſpeak of the Trade to our own Plantations, it is always underſtood to be that Trade which is authorized and protected by Law; and in this Senſe there is not the leaſt doubt but we do engroſs it to ourſelves.

He is next very angry that the Author of the *Conſiderations* ſhould call our Plantations the Nurſery of our Seamen, and contends, that the Coal Trade alone ought to deſerve that Name. It is really diverting, and affecting at the ſame Time, to ſee the Proſtitute of a Miniſter, to ſerve his Patron's Cauſe, contradicting the common Senſe of Mankind, and making Blunders that every common Tar would be aſhamed of. If he would aſk one of them, he would inform him, that there is as great a Difference betwixt a Seaman and a Sailor, as betwixt an Officer and a private Centinel; every Seaman indeed ought to be a Sailor, but every Sailor is not a Seaman. The Coal Trade is indeed the Nurſery of the latter, but a Seaman is never looked upon as duly qualified till he has made a Voyage either to the *Eaſt-Indies* or *America*.

As to what he aſſerts about Logwood, Cocoa-Nuts and Pieces of Eight, it is ſufficient to ſay, That tho' Logwood is not the Growth of our own Settlements, yet it is the Product of a Settlement in which we have an undoubted Right, and which never yet was given up by the Crown of *Britain* to any other Power. In the Year 1717, when our Right to cutting Logwood was in Diſpute betwixt us and *Spain*, his late Majeſty referr'd the Conſideration of that Affair to the Lords of Trade and Plantations, who gave it as their Opinion, That our Right to cut Logwood was undoubted. As

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to Cocoa-Nuts and Pieces of Eight, our Author allows that we have the former in our own Plantations; and it is evident, that not only the *Aſſiento* Trade, but the daily Intercourſe by Land, betwixt our Colonies and the *Spaniſh* Settlements, neceſſarily introduces great Quantities of that Specie amongſt the *Britiſh* Subjects; which they are obliged to diſpoſe of to Merchants and Maſters of Veſſels trading to *Britain*; therefore, if having Pieces of Eight on Board is a juſt Ground of confiſcating an *Engliſh* Veſſel, it is almoſt impoſſible for any betwixt *America* and *Britain* to eſcape.

Our Author next becomes an Advocate for *Spaniſh* Juſtice, and aſks what the Writer of the *Conſiderations* thinks of our trying *Spaniards?* Really if we proceed in the ſame Method againſt *Spaniards* as *Spaniards* proceed againſt *Engliſhmen*, every honeſt Man will think very ill of it. For how can that be called a *Trial* where the Judges have nothing to do but to decide, and where the Perſon tried is not only deprived of all Acceſs to Council, but even of the Liberty of bringing his own Papers as Vouchers of his Conduct? Or how can that be called a Trial when the Judges have an immediate Intereſt in giving it againſt the weakeſt Party? There are I know different Forms of Juſtice peculiar to each Country; but then theſe Forms never affect Juſtice itſelf, nor break in upon the firſt Principles of Equity; otherwiſe it is eſtabliſhing Iniquity by Law, and becomes the juſt Object of a national Reſentment.

The other Particulars of this Author's Pamphlet have I hope been fully anſwered by the general Marks I have already laid down; I ſhall only repeat, that tho' this Author ſhould bring five thouſand Inſtances of Barbarities and Robberies committed by

Engliſhmen

Engliſhmen upon *Spaniards*, none of them can be to his Purpoſe, unleſs he could prove, that the Authors were commiſſioned and protected by our Government; and tho' he ſhould bring daily Inſtances of the Right which our Ships have ſearch thoſe of other Nations on the *Engliſh* Coaſts, they prove nothing, unleſs he can make it appear that all Trade betwixt *Great Britain* and *Spain* is as much prohibited, as all Trade betwixt *Great Britain* and the *Spaniſh* Settlements in *America*.

There is however one Obſervation of this Author which may deſerve notice, which is, that he is very angry with the Writer of the *Conſiderations*, for aſſerting *that all Nations trading to* America *have an equal Intereſt and common Cauſe with* England, *if ſhe engaged in a War with* Spain. This Aſſertion would certainly be falſe, if the War were undertaken on account of any particular Rights or Poſſeſſions which *England* claims: But as the Ground of a War with *Spain* at this Juncture is a Right which all Nations trading to *America* claim in common, and without which they cannot carry on their Navigation there; the Aſſertion is undeniably juſt, becauſe there is nothing that affects us at preſent but what may equally affect them in time to come.

I ſhall now take the Liberty to examine one Poſition, upon which moſt that is either ſaid or wrote in defence of this Convention is founded. The Advocates for our preſent Meaſures ſay, Why ſhould the People pretend to be Judges of what is fitting for Government to do, and why ſhould our Merchants interpoſe in an Affair that has already been ſettled betwixt the King of *Spain* and the Crown of *Britain*? This is an extreme good Argument, when the Meaſure

ſure of Juſtice is the abſolute Will of a King, or what is the ſame Thing, of a Miniſter; but a very bad one in a Country where the eſtabliſhed Government is founded on a Principle, That the Prince in his political Capacity ought to exert no *Will*, but what tends to promote the Good of the Subject. The Author I have been anſwering ſays very truly, *Liberty is bounded by Law.* But then that Law is, or ought to be the Law that ſecures the Property of the Subject, beyond the Power of being affected by the *Will*, or the *Caprice* of any Monarch, or any Miniſter whatſoever: Any other Law is a Law unknown to a free People; at leaſt, it is a Law that the People of *England* have always underſtood to be ſubſervient to the great Law which founds all free Governments, the SAFETY OF THE PEOPLE. A free People always will make themſelves Judges of what Meaſures are taken to ſtrengthen or weaken this great Law; and it is fit they ſhould, otherwiſe no Meaſure however tyrannical, no Practice however corrupt, could be warrantably oppoſed, if they are countenanced by Government; and that both tyrannical Meaſures and corrupt Practices have been illegally countenanced by Government, and legally oppoſed by the People, the preſent happy Eſtabliſhment upon the Revolution footing is an Inſtance. Therefore, any Man who advances, that becauſe Government is for a Meaſure, therefore the People of *Britain* ought not to oppoſe that Meaſure, tho' that Meaſure oppoſes all the Rules of common Senſe, by which a People judge how far the great and the primary Law of Self-preſervation is affected: I ſay, any Man who advances that, is ignorant of the firſt Principles of Liberty, and ought to be deemed a Traytor to all the Intereſts and Government of a free People; he ought

ought more particularly to be held ſo by all loyal Subjects in *Britain*, becauſe had it not been for this Principle we had not at this Day poſſeſſed the Shadow of Liberty.

But having ſaid all this, I am as far from thinking that the People of *England* ought to bring their Complaints before their Repreſentatives againſt their Government, in a tumultuous, or an indecent Manner, as I am from thinking that any Application the People has made on this Occaſion for Redreſs of paſt Grievances or Prevention of future, has been either tumultuous or indecent. They ought to keep within the Decency, without which no Power can have *Authority*, and no Government can claim Reſpect. But it is ridiculous to ſay that either *Authority* or *Reſpect* will wait upon a Power or Government, that does not leave to the People the Exerciſe, and the proper Weight too, of thoſe very Rights that make them free.

To apply what I have ſaid on this Head, I ſhall ſuppoſe a Caſe that can never happen under any Prince now alive of the Royal Family upon the Throne, but poſſibly may, ſhould the Government of theſe Nations fall into Hands leſs tender of the Rights of the People. A King of *Britain* has a Difference with a neighbouring Power, who obſtinately and poſitively lays Claim to a Right or a Poſſeſſion belonging to *Great Britain*, and which never had been denied, or even doubted of: At the ſame time, it is of ſuch Conſequence not to give it up, that if it is given up, the Nation muſt be ruined. The Prince upon the Throne is however ſo obſtinate, that he is reſolved to purchaſe the Friendſhip of that Prince at the Price of the diſputed Right or Poſſeſſion. Now, in ſuch a Caſe, the Queſtion does not lie, How far it is expedient

dient or not expedient to give up this Point? for every Man who underſtands Liberty, knows that the Voice of the People never was in the Wrong; but, If it is in the Prince's Power by his Prerogative to diſpoſe of it, without the Concurrence, and againſt the unanimous Voice of his People? How far ſuch a Doctrine, if maintained in the Affirmative, would be agreeable to the Maxims upon which our preſent Conſtitution is founded, let any one judge who knows ſo much of the Hiſtory of *Britain*, as to perceive that the moſt valuable Acceſſions to the Liberties of her people, were acquired in the Struggle betwixt the Subjects jealous of Right, and the Crown tenacious of Prerogative.

FINIS.

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